

# Town of Frederick Board of Trustees



Eric Doering, Mayor

Tony Carey, Mayor Pro Tem  
Amy Schiers, Trustee  
Jim Wollack, Trustee

Rafer Burnham, Trustee  
Sue Wedel, Trustee

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AM 2010-076

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## To Consider a Resolution to Order Publication of a Notice and Setting a Public Hearing to Consider Adopting by Reference Article 15, Downtown Regulations

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**Agenda Date:** August 24, 2010

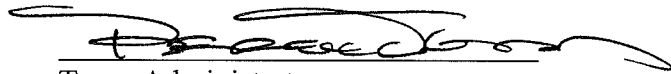
**Attachments**

- a. Resolution Ordering the Publication of a Notice and Setting a Public Hearing
- b. Draft Ordinance Adopting by Reference Article 15, Downtown Regulations
- c. Red-line version of Article 15 (this is a new article)

**Fiscal Note:** None noted or provided Fiscal note

  
Administrative Services Director

**Submitted by:** Jennifer Simmons   
Planning Director

**Approved for Presentation:**   
Town Administrator

**AV Use Anticipated** Projector x Laptop n/a

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**Certification of Board Approval:**

\_\_\_\_\_  
Town Clerk

\_\_\_\_\_  
Date

**Summary Statement:**

One step of implementing the Downtown Development Master Plan is adopting land use regulations specific to Downtown. Taking action to adopt Article 15 will complete this step of implementation.

### **Detail of Issue/Request:**

The Board of Trustees has directed implementation of the Downtown Development Master Plan. One step of this is adopting land use regulations specific to Downtown that will help foster the redevelopment visualized through the master planning process. Accordingly, Article 15, Downtown Regulations, was crafted to guide the development of downtown. The regulations create a predictable environment for businesses and residents alike.

Should the Trustees choose to enact Article 15, a zoning amendment for the downtown area will also be presented for the Trustees consideration.

### **Review Criteria:**

Section 4.7.9.b. For the purpose of establishing and maintaining sound, stable, and desirable development within the Town, the text of this Code shall not be amended except:

- (1) To correct a manifest error in the text of this Code;
- (2) To provide for changes in administrative practices as may be necessary to accommodate changing needs of the community and the Town staff;
- (3) To accommodate innovations in land use and development practices that were not contemplated at the adoption of this Code; or
- (4) To further the implementation of the goals and objectives of the Comprehensive Plan.

The proposed amendments provide for changes in administrative practices, and further the implementation of the goals and objectives of the Comprehensive Plan relating to encouraging infill and development close to the core community (Policy 1.2) and encouraging redevelopment and expansion of Downtown Frederick (Policy 10.9).

**Public Notice:** As this project moves forward, it will be properly noticed according to the requirements of Section 4.5 of the Frederick Land Use Code.

**Planning Commission:** The Planning Commission is scheduled to consider this item at a work session on September 7 and at a public meeting September 21, 2010. The Commission will make a recommendation to the Board of Trustees.

### **Legal/Political Considerations:**

It was contemplated in the preparation of the Downtown Development Master Plan that certain land use standards would need to be adjusted to preserve the character of the downtown district(s) and zones. As part of that following through on that analysis, a unique set of regulations should be adopted to cover land use/development/redevelopment to facilitate in easy reference the different standards applicable to that portion of the Town.

### **Alternatives/Options:**

The Board of Trustees may choose from the following options or recommend another alternative:

- Adopt the attached resolution ordering notice to be published setting a public hearing date of October 12, 2010.
- Direct staff to make changes to the drafted amendments and set the hearing date for a meeting later than October 12, 2010.
- Direct staff to make changes to the drafted amendments and bring the resolution back following the presentation of amendments.

**Financial Considerations:**

Not Applicable.

**Staff Recommendation:**

Staff recommends approval of the attached resolution and setting the public hearing date of October 12, 2010.